

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

MICHAEL KEVIN DUFRONT *
PETITIONER *

v.
DAVID NOLAN, *
Respondent *

* NO. 04-11431-GAO

PETITIONER'S MOTION TO STRIKE FALSE
ENLARGEMENT OF TIME PLEADINGS AND
ANSWER WHENEVER IT IS UNTIMELY FILED

Now comes the PETITIONER in
opposition to the VACATION based
CONTINUENCE MOTION AND moves to
STRIKE AS ATTY GENERAL SUSAN REARER'S
FALSE August 6, 2004 MOTION FOR AN
enlargement of time with prior
PLEADINGS, AND moves to STRIKE
her untimely ANSWER whenever
IT MAY be FILED, while suggesting
this COURT should REFER her to
the BOARD of BAR OVERSEERS for
discipline based on misleading
-1 of 2 -

PLEADINGS, IN RE LIGHTFOOT, 217 F.3d 914,
918 (7th Cir 2000); Russell v. AOLF,
893 F.2d 1033 (9th Cir 1990).

The Petitioner 18 Grounds have
specific exhaustion brief + ALCFAA page
citations and took a weekend to draft
so AAG Reason lied about needing
more time to check exhaustion. No
murder Habeas can take priority
because they never win and the
vacation excuse was known
when last continued was
requested, so it is also a false
and frivolous new excuse.
Petitioner only having
six months left on 20 year
sentence, that expired 8 years
ago with good-time he is
owed, should put his case as the
top priority for release decision.
August 13, 2004
Copy served on
Asst Atty General
SUSAN REASON

Mike D. Wait
Mike D. Wait
P.O. Box 100
S. Waltham, MA, 02091

Inmate Sentence Listing

W44692

DUPONT, MICHAEL

Report Date: 2004 0809 15:28:12

Sentence Unit: A

Sent #:	4	Statute:	265	15B	172
ASSAULT BY MEANS OF DANGEROUS WEAPON					
Off. Date:	19850307				
Sent. Type:	State Prison			PE:	19870125
Imposed:	19860828			Min:	19880125
Invoked:	20001110	3Y TO 5Y		Max:	19900125
Jail Credit:	5767	Gcd:			
Effective:	19850126				
Court:	MIDDLESEX CAM SUP CRT				
Docket:	85-983CT2				

Sent #:	5	Statute:	265	15B	172
ASSAULT BY MEANS OF DANGEROUS WEAPON					
Off. Date:	19850307				
Sent. Type:	State Prison			PE:	19870125
Imposed:	19860828			Min:	19880125
Invoked:	20001110	3Y TO 5Y		Max:	19900125
Jail Credit:	5767	Gcd:			
Effective:	19850126				
Court:	MIDDLESEX CAM SUP CRT				
Docket:	85-983CT3				

Sent #:	6	Statute:	265	15A	b	171
A&B BY MEANS OF D.W.						
Off. Date:	19850307					
Sent. Type:	State Prison			PE:	19880525	
Imposed:	19860828			Min:	19900125	
Invoked:	20001110	5Y TO 10Y		Max:	19950125	
Jail Credit:	5767	Gcd:				
Effective:	19850126					
Court:	MIDDLESEX CAM SUP CRT					
Docket:	85-984					

Inmate Sentence Listing

W44692

DUPONT, MICHAEL

Report Date: 2004 0809 15:28:12

Sentence Unit: A

Sent #: 7 Statute: 265 18 160

ARMED ASSAULT WITH INT. TO ROB OR MURDER

Off. Date: 19850307
 Sent. Type: State Prison PE: 19880525
 Imposed: 19860828 Min: 19900125
 Invoked: 20001110 5Y TO 10Y Max: 19950125
 Jail Credit: 5767 Gcd:
 Effective: 19850126
 Court: MIDDLESEX CAM SUP CRT
 Docket: 85-986

Paroled Revoked Returned Escaped Returned

Combined dates as of 20040807 04:01

		Original	Revised	Adjusted
Time on parole:	0			
Dead time(parole):	0	PE Date : 19980706		19980703
Dead time (escape):	0	Minimum : 20050306		20050303
Earned time:	2.50	Maximum : 20050307		20050304
Forfeitures:	.0			
Restorations:	.0	GCD Date:		

**DEPARTMENT OF CORRECTION
INMATE GRIEVANCE APPEAL FORM
FORWARD TO SUPERINTENDENT**

Name DUPONT MICHAEL **Institution** MCI CEDAR JUNCTION

Number W44692 **Housing** BLOCK 1 **Appeal Date** 20-FEB-2004 **Date Of Grievance** 12-FEB-2004

Appeal Received Date 24-FEB-2004

Appeal Remedy Requested Records manager Sharon Blanchard still refuses to restart my W/38655 sentence as of 9/28/98. As the Parole Board ordered in attached note and warrant taking custody retroactive, 9/28/98 service which Parole Legal Department agreed should have been done on 9/28/98

Staff Recipient Pursuant to Brown V Commissioner, 336 Mass 718 (1958) order W/38655 to restart being served on 9/28/98 as Parole Board decided it should, calculate sentence and issue certificate of discharge, and pay me damages \$\$\$ for harm caused by delay.

Signature Aucoin Ann Marie CO I

DECISION BY SUPERINTENDENT

Appeal Received Date 24-FEB-2004 **Decision Date** 06-APR-2004 **Decision** Denied

Decision By Nolan David F SUPERINTENDENT

Reasons The Records Department has been contacted and they have informed me that they are waiting for your prior mittimus from your W-38655 sentence. Upon receipt of the mittimus for this sentence, your parole revocation date will be entered and your sentence recalculated. Upon your release from your current sentence, you will receive a Certificate of Discharge for your prior sentence as well as your current sentence.

Signature

Nolan David F

Date

4/7/04

INMATE RECEIPT

Inmate's Name DUPONT MICHAEL

Institution MCI CEDAR JUNCTION

Number W44692

Appeal Received Date 24-FEB-2004

Staff Recipient Aucoin Ann Marie CO I

Superintendent's Signature

*Received in 4/16/04
mail
Mike H. Staff*

To: Michael Dupont, W38655


August 5, 2004

Fr: Kathy Howard,
Record's Dept.

Re: Sentencing

Mr. Dupont,

This is a copy of your prior commitment dates that have been recalculated. I am in the process of requesting your release on the prior commitment & you will receive a copy of that Discharge paper upon your final release from state custody.

This eliminates
w/38655 ~~AAOle~~ WARRANT
violation ~~of~~ ~~AWAR~~ IMMEDIATE
Allowing w/44692 AS
Release AS soon AS
Judge AS TOOLE Rules!
noted by  ~~AWAR~~

Inmate Sentence Listing

W38655

DUPONT, MICHAEL

Report Date: 2004 0805 15:23:07

Prior Commitment-----
Combined dates as of 20040416 13:44

		-----	Original	Revised	Adjusted
Time on parole:	375				
Dead time(parole):	4867	PE Date :	19821122		
Dead time (escape):	0	Minimum :	19841122	19980321	19971201
Earned time:	110.00	Maximum :	19911122	20050320	20041130
Forfeitures:	.0	GCD Date:	19871014	20010721	20010402
Restorations:	.0				

W38655

DUPONT, MICHAEL

Report Date:2004 0805 15:23:07

Prior Commitment

Sentence Unit: A

Sent #:	1	Statute:	1ST 266	15	511
			UNARMED BURGLARY		
Off. Date:	19801125				
Sent. Type:	State Prison			PE:	19821122
Imposed:	19810312			Min:	19841122
Invoked:	19811223		3Y TO 10Y	Max:	19911122
Jail Credit:	30			Gcd:	19871014
Effective:	19811123				
Court:	WORCESTER SUPERIOR COURT				
Docket:	81-95046				

Sent #:	2	Statute:	266	49	512
POSS. OF BURGLARIOUS INSTRUMENTS					
Off. Date:	19801125				
Sent. Type:	State Prison	PE:	19821122		
Imposed:	19810312	Min:	19841122		
Invoked:	19811223	3Y TO 10Y	Max:	19911122	
Jail Credit:	30	Gcd:	19871014		
Effective:	19811123				
Court:	WORCESTER SUPERIOR COURT				
Docket:	81-95045				

Sent #:	3	Statute:	266	49	512
POSS. OF BURGLARIOUS INSTRUMENTS					
Off. Date:	19801108				
Sent. Type:	State Prison	PE:	19821122		
Imposed:	19810312	Min:	19841122		
Invoked:	19811223	3Y TO 10Y	Max:	19911122	
Jail Credit:	30	Gcd:	19871014		
Effective:	19811123				
Court:	WORCESTER SUPERIOR COURT				
Docket:	81-94705				

Paroled	Revoked	Returned	Escaped	Returned
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19840521	19850531	19980928		